

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

AHMAD SHREATEH,

Plaintiff,

v.

Civ. A. No. 04 11713-NMG

FANNIE MAE and
MARK HOLMES,

Defendants.

**DEFENDANT FANNIE MAE'S MOTION TO DISMISS ALL COUNTS OF THE
PLAINTIFF'S AMENDED COMPLAINT AS AGAINST FANNIE MAE**

Pursuant to Fed. R. Civ. P. 12(b)(6), defendant Fannie Mae¹ moves this Court to dismiss all Counts of plaintiff Ahmad Shreateh's (the "Plaintiff") Amended Complaint as against Fannie Mae (Counts I and II).² In support of this motion, Fannie Mae states that:

(1) Count I fails to state a claim under 42 U.S.C. § 1981 because there was no contractual relationship between the Plaintiff and Fannie Mae.

(2) Count I fails to state a claim under 42 U.S.C. § 1981 for religious and sexual discrimination because such claims are not cognizable under 42 U.S.C. § 1981.

(3) Count II fails to state a claim under 42 U.S.C. § 1983 because Fannie Mae did not act under color of state law.

¹ Fannie Mae is chartered as the Federal National Mortgage Association, but does business under the name Fannie Mae. For ease of reference, the name Fannie Mae is used herein.

² Mark Holmes has not been served as a defendant in this lawsuit. On December 13, 2004, Plaintiff filed a voluntary stipulation of dismissal of all claims against Mr. Holmes.

The grounds for this Motion are set forth in detail in the accompanying memorandum.

WHEREFORE, defendant Fannie Mae moves that the Court:

- (1) Dismiss Counts I and II of Plaintiffs' Amended Complaint;
- (2) Order such relief as is just and proper.

LOCAL RULE 7.1(A)(2) CERTIFICATION

Pursuant to LR 7.1(A)(2), counsel for Fannie Mae certify that they have contacted Plaintiff's attorney of record in an attempt to resolve or narrow the issues addressed in this Motion.

REQUEST FOR ORAL ARGUMENT

Because Fannie Mae believes that oral argument will assist the Court in deciding this matter, it respectfully requests a hearing as to its Motion to Dismiss.

Respectfully submitted,

FANNIE MAE
By its attorneys,

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Dated: December 22, 2004